

ESTTA Tracking number: **ESTTA563847**

Filing date: **10/08/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206453
Party	Plaintiff Hartford Fire Insurance Company
Correspondence Address	MICHAEL CHIAPPETTA FROSS ZELNICK LEHRMAN ZISSU PC 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES mc@fzlz.com
Submission	Other Motions/Papers
Filer's Name	Michael Chiappetta
Filer's e-mail	mc@fzlz.com
Signature	/Michael Chiappetta/
Date	10/08/2013
Attachments	Declaration of Michael Chiappetta (F1319378).PDF(3238798 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/459,781
Mark: PLAYBOOK FOR LIFE and Design
Published: April 26, 2012

Hartford Fire Insurance Company

Opposer

- against -

Mona Terrell & Associates LLC

Applicant.

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: Opposition No. 91206453
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DECLARATION OF MICHAEL CHIAPPETTA IN SUPPORT OF HARTFORD FIRE
INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT

I, Michael Chiappetta, declare as follows:

1. I am counsel at Fross Zelnick Lehrman & Zissu, P.C., attorneys for Opposer Hartford Fire Insurance Company (“The Hartford”) in connection with this proceeding. I submit this declaration in support of The Hartford’s Motion for Summary Judgment. The statements herein are based on my own personal knowledge.

2. Discovery in this proceeding opened on October 17, 2012 and closed on July 17, 2013. The Hartford served interrogatories and document request during the discovery period and Applicant Mona Terrell & Associates LLC (“Applicant”) served written responses. Annexed hereto as Exhibit A are Applicant’s written responses to The Hartford’s discovery requests. Applicant did not serve any discovery requests in this proceeding.

3. Applicant produced documents in response to The Hartford's document requests. Included among those documents were several visual presentations bearing the PLAYBOOK

FOR LIFE mark entitled "Life After... Your Roadmap to Career Success." True and correct copies of two of these presentations are annexed hereto as Exhibit B and Exhibit C. Also included among Applicant's document production in this proceeding was a visual presentation bearing the PLAYBOOK FOR LIFE mark entitled "Life After... Creating You're [sic] Path To Career Success." A true and correct copy of this presentation is annexed hereto as Exhibit D.

4. Also included in Applicant's document production was the USPTO's file for Application Serial No. 85/459,781 in issue in this case. The USPTO issued no office actions on the Application and required no showing that the mark PLAYBOOK FOR LIFE and Design had acquired distinctiveness.

I declare under penalty of perjury under the laws of the United States that the foregoing is true.

Executed this 8th day of October, 2013 at New York, New York.



Michael Chiappetta

EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/459,781
Mark: PLAYBOOK FOR LIFE and Design
Published April 26, 2012

Hartford Insurance Company
Opposer

Opposition No. 91206453

-against-

Mona Terrell & Associates LLC

Applicant

REVISED APPLICANT'S FIRST SET OF RESPONSES TO INTERROGATORIES AND DOCUMENT
REQUESTS

Pursuant to Rule 2.120(d) of the Trademark Rules and Practice and Rules 33 and 34 of the Federal Rules of Civil Procedure, Mona Terrell & Associates LLC ("Applicant") is answering under oath and responding to the interrogatories and requests for documents presented by the "Opposer" by serving written responses thereto to the offices of Applicant's attorneys, Fross, Zelnick Lehrman & Zissi, P.C., 866 United Nations Plaza, New York, New York 10017 attn: Michael Chiapetta, Esq., within thirty (30) days after service of the request upon Applicant (pro se). Applicant is requested to produce those documents specified herein within 30 days of service to the office of the Opposer's counsel or at another agreed upon time and/or location.

- A. The term "Applicant" shall mean Mona Terrell & Associates LLC
- B. The term "Opposer" shall mean Hartford Fire Insurance Company, its officers, directors, employees, partners, corporate parents, subsidiaries and affiliates and the officers, directors, employees, partners and agents of the foregoing.
- C. The term "Mark" shall mean the mark PLAYBOOK FOR LIFE, whether in block-letter, design or stylized form.
- D. The term "Application" shall mean U.S. Application Serial No. 85/479,781.

Additionally, sections E through P of Opposer's Interrogatories and Document Requests enumerate definitions of terms, documents, activities and the like that are referred to.

INTERROGATORIES

NOTE: Applicant's response(s) to each interrogatory is in italics.

Interrogatory No. 1:

Describe in detail the business of the Applicant.

Mona Terrell & Associates LLC is a communications firm specializing in public relations; media relations and training; community engagement and advocacy; corporate communications; social responsibility strategy development and program administration; and meeting planning. In addition to its commercial activities, Mona Terrell & Associates provides programs under its philanthropic goals that include providing pro bono mentoring and leadership initiatives and promotion services for qualifying groups and individuals.

Interrogatory No. 2:

Describe in detail the business of the Applicant under the mark.

Mona Terrell & Associates LLC provides mentoring and leadership counsel, particularly to women basketball players and non-athletic team support staff, who need to be aware of and incorporate as part of their PlayBook For Life, career professions less focused on the court and sport. Mona Terrell & Associates LLC, unlike the Opposer, is not advertising, promoting, advocating and/or conducting commercial business under the PlayBook for Life mark. The Applicant uses the PlayBook For Life as part of a volunteer effort to mentor sportswomen, and team staff to help ensure their "LifeAfter" success particularly off the court.

Interrogatory No. 3

Describe specifically the derivation of the Mark that is the subject of the Application.

The Applicant filed Application to register the Mark PlayBook for Life on October 30, 2011 for a series of educational manuals directed to student athletes and other college students on the topics of career options and life skills and experiences. In short, it can be described as a mentoring program focused on the previously mentioned topics. PlayBook for Life is a volunteer effort that has proven invaluable to the college athletes and non-athletes who participate in the program. The Applicant's mark in no way is similar to the Opposer's mark that is for educational services; namely, conducting seminars and workshops to promote financial planning to student athletes and the general public.

The USPTO Examining Attorney USPTO on February 16, 2012 found no conflicting marks in the USPTO database of registered and pending marks that would bar registration of the Applicant's mark under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d). On March 21, 2013, a Notice of Publication was issued that the application would be published in the Official Gazette on April 10, 2012.

The Official Gazette Publication Confirmation was issued to the Applicant and published, noting that any party believing it will be damaged by the registration of the mark file a notice of opposition (or extension of time) within 30 days of the publication date. As this did not occur within the time frame allowed, Applicant looked forward to coming program year for Applicant's initiative.

The Applicant's program in no way focuses on awareness or education relating to financial programs, products, policies or initiatives. Applicant's efforts through the PlayBook for Life, are essentially Mona Terrell & Associates LLC's give/reach back to my community and the community at large to help student athletes, and college students, to understand and motivate them to chart their path to career success. My prime desire is to continue to provide the series of educational manuals directed to student athletes and other college students on the topics of career options and life skills and experiences under the PlayBook for Life Mark that the USPTO found to be free and unencumbered.

Interrogatory No. 4:

- (a) Identify and describe in detail each product and service that has been or will be sold, distributed, licensed, or provided by the Applicant or any other person or entity authorized by Applicant bearing or under the mark.

As stated in Webster-Merriam dictionary, there are two definitions of commerce, (1) the exchange or buying and selling of commodities on a large scale involving transportation from place to place and (2) social intercourse: interchange of ideas, opinions, or sentiments¹. While Applicant's PlayBook for Life mentoring program does not exchange, buy or sell commodities on any scale, it does consist of a social intercourse/interaction that shares ideas, opinions and sentiments. To that end, verbal and printed information is provided to participants and presenters which include presentations, agendas, and primers that recap key ideas, opinions and sentiments.

The Applicant is not conducting any business/trade commerce around the Mark. At this time, the Applicant is providing mentoring and leadership to one group of female athletes. There is no selling component to this program, an element that is among the distinguishing factors between the Applicant's original approved mark for use and ownership of Mona Terrell & Associates LLC and the commercial use and focus on, among other things, financial literacy and services of the Opposer.

- (b) For each product required to be identified in your response to Interrogatory No. 4(a), set forth in the inclusive dates of actual use and/or planned use of the Mark in connection with such product or service. *As per the statement immediately above, this question does not apply to the Applicant's mark. The formal program is normally provided during the basketball sports season. Informal mentoring with the female athletes continues at all other times.*

Interrogatory No. 5:

¹ <http://www.merriam-webster.com/dictionary/commerce>

Describe in detail all plans you have to manufacture, distribute, offer for sale, provide and/or license or services under the Mark during the next three years in the United States.

While Applicant's PlayBook for Life mentoring program does not exchange, buy or sell commodities on any scale, it does consist of a social intercourse/interaction that shares ideas, opinions and sentiments. To that end, over the next three years, Applicant's plans to continue to offer this program to the current universe of athlete and staff, as well as emulate and provide the program to a wider audience of female athletes. To effectively continue the program, plans include the development and distribution of verbal and printed information to participants and presenters which include presentations, agendas, and primers that recap key ideas, opinions and sentiments.

Interrogatory No. 6:

- (a) Identify all Internet web pages through which Applicant's goods and services under the Mark have been or are advertised, offered for sale, sold or provided.

There are currently no internet pages and the Applicant is not and has not offered for sale or sold any goods and services related to the Mark. However, verbal advertisement of the program does occur to secure presenters and inform other interested parties about the goods and services provided under the Mark.

- (b) For each web page required to be identified in response to Interrogatory No. 6(a), set forth the inclusive dates during which time Applicant's goods or services under the Mark were advertised, offered for sale, sold or provided on the website.

See response above.

Interrogatory No. 7:

Identify each person or entity, including but not limited to franchisees, assignees, licensees, distributors and any business owned or controlled by Applicant that will use, has used, used, or is (or was) authorized by the Applicant to use the Mark.

There are no persons to identify each person or entity, including but not limited to franchisees, assignees, licensees, distributors and any business owned or controlled by Applicant that will use, has used, used, or is (or was) authorized by the Applicant to use the Mark, as the Mark is not being used to sell anything.

Interrogatory No. 8:

- (a) Describe the nature of any advertisements and promotional material (e.g. brochures, television commercials, newspaper articles, Internet web sites or magazine advertisements)

including indentifying the specific geographic location and specific media (e.g. Time magazine, CBS Network TV, The New York Times, in which Applicant is using, has used or plans to use the Mark;

There are no plans at this time to provide any advertisements and promotional material (e.g. brochures, televisions commercials, newspaper articles, Internet web sites or magazine advertisements) including indentifying the specific geographic location and specific media (e.g. Time magazine, CBS Network TV, The New York Times, in which Applicant is using, has used or plans to use the Mark; However, the Applicant reserves the right to develop and provide promotional materials (e.g. brochures, Internet website and/or social media page) to share useful information and insights and communicate in real time with a greater universe of female athletes.

- (b) Describe with particularity the consumers to whom advertisements and promotional materials referred to in your response to subpart (a) are or will be directed.

Consumers are described as the team of individuals currently enjoying the program. While there are no immediate plans to expand the audience, the Applicant reserves the right to expand the consumer base to include a greater universe of female athletes.

Interrogatory No. 9:

- (a) State the date you first used or plan to use the Mark or in connection with the goods identified in the Application.

The PlayBook for Life program was first formally offered in 2010.

- (b) Describe in detail how the Mark was or will be first used in connection with the goods identified in the application.

Since the PlayBook for Life program was first formally offered in 2010, the Mark has been used for a series of mentoring and leadership educational sessions via presentations (manuals) currently directed to a team of student athlete and team staff on the topics of career options and life skills and experiences. In short, it can be described as a mentoring program focused on the previously mentioned topics. The Applicant reserves the right to expand the consumer base to include a greater universe of female athletes.

PlayBook for Life is a volunteer effort that has proven invaluable to the college athletes and non-athletes who participate in the program. This program in no way focuses on awareness or education relating to financial programs, products, policies or initiatives. The Applicant's efforts through the PlayBook for Life, as approved by the USPTO, are essentially the Applicant's give/reach back to my community and the community at large to help student athletes and team student, to understand and motivate them to chart their path to personal and career/professional growth and success.

Interrogatory No. 10.

Identify all trademark searched performed by you or on your behalf concerning the Mark, and describe the results of each search.

While the Opposer's mark is noted on the USPTO website², the Applicant contacted the USPTO and spoke to an Information Officer who provided information on the Applicant's application for a PlayBook for Life mark, (a "series of educational manuals directed to student athletes and other college students on the topics of career options and life skills and experiences"). The explanation Applicant received provided the clarification needed to move forward with my Application, as original searches performed by the Applicant did not indicate any compromise of the Mark for the Applicant filed and was granted approval for ownership and use of the trademark for PlayBook for Life. The Opposer's mark is for "a series of books, guides, written articles, handouts and worksheets in the field of financial planning for student athletes and the general public." I visited the Opposer's website relating to its mark, which confirmed that the use of its mark is for a program that is in no way similar as to its mission, vision, goals and/or benefits.

The Applicant received a call from the Opposer's attorney, once the USPTO approved the Applicant's Mark requesting that the Applicant cease and desist use of the Applicant's Mark. I also learned directly from the Opposer's attorney (Mr. Fredbeck) at that time via telephone call and email and regular US mail that the Opposer's application was for "educational services; namely, conducting seminars and workshops to promote financial planning to student athletes and the general public."

Subsequent to the initial communication from the Opposer regarding the topic of confusion, the Applicant learned that an organization known as Playbook for Life Ministries uses the Playbook for Life mark to underscore its program around sports and recreation.³ Playbook for Life ministries advertises and promotes its program on the Internet, which The Opposer should also view as contributing to confusion of its Mark. Additionally, Playbook for Life Ministries use of the Mark is more likely to directly cause confusion as upon entering the URL www.playbookforlife.com, Playbook for Life Ministries comes up. That is likely to cause more confusion than a program which uses the mark but does not have an Internet presence. The Opposer's mark does not have an immediate direct presence on the web; once a student or potential student, or client is made aware of the Opposer's program, they would be provided the information to access its site. There is no way that the Applicant's mark could ever be confused as the particular information shared on either program is only for a particular universe of individuals who seek a

² <http://tess2.uspto.gov/bin/showfield?f=doc&state=4805:n1mxny.2.3>

³ <http://playbookforlife.com/>

particular type of information, neither of which conflict. Like the Applicant's use of the mark, a focus of the program is athletics and athletes, relating to sports and recreation. The Applicant begs an explanation and understanding of the Opposer regarding Playbook for Life Ministries use of the PlayBook for Life mark. The Applicant does not find Playbook for Life Ministries' use of the Playbook for Life mark to contribute to confusion of the Applicant's Mark.

Interrogatory No. 11.

Describe in detail how and when Applicant first became aware of Opposer's use of the Mark.

I recall receiving a telephone call from a Mr. A. Fredbeck during the Spring of 2012, prior to additional application it made for another program under its mark that was filed in June 2012 for a "series of books, guides, written articles, handouts and worksheets in the field of financial planning for student athletes and the general public . Please see activity that can be found under the USPTO weblink regarding this file."⁴ Additionally, there are emails between Mona Terrell & Associates LLC, and Opposer's counsel, Messrs Fredbeck and Chiapetta.

Interrogatory No. 12.

Identify and describe all instances wherein Applicant or any party authorized by Applicant to use the Mark has ever received mail, deliveries, telephone calls, bills, payments, invoices or any other materials referring to or inquiring about Opposer or its products or services or witnessed or obtained any knowledge or information regarding confusion or the likelihood or possibility of confusion on the part of any person or entity as to the source, sponsorship, affiliation or approval of Applicants' products or services.

The Applicant has communicated with the Opposer via email, telephone call and mail on the Opposer's allegation of confusion by the Applicant's mark, relating that the Applicant's mark does not pose confusion as the use of the Applicant's Mark significantly differs from the use of the Opposer's mark - Series of educational manuals directed to student athletes and other college students on the topics of career options and life skills and experiences vs. a series of books, guides, written articles, handouts and worksheets in the field of financial planning for student athletes and the general public.

After learning of the approval of my Application, it appears that the Opposer filed an additional Application for additional use of the Mark on products and services and at that time made the decision to defend against my Application and use of the Mark. The Applicant has never received any payments, invoices or "deliveries" from the Opposer. The Applicant has received emails, telephone calls and mail

⁴ <http://tess2.uspto.gov/bin/showfield?f=doc&state=4805:n1mxny.2.2>

regarding the Opposer's position and opposition to the Applicant's mark and that the use of the Applicant's mark may contribute to confusion.

Interrogatory 13:

Identify all third parties of which you are aware that use the Mark in connection with any goods or services including by identifying the third party and the goods and/or services provided by the third party under the Mark.

There are no third parties that use the Mark in connection with any goods or services, including by identifying the third party and the goods and/or services provided by the third party under the Mark.

Interrogatory 14:

Identify the witnesses Applicants intends to call to testify on its behalf in connection with this proceeding and state the facts of subject matter which they are expected to testify.

The Applicant does not intend to call any witnesses as the Application was developed, and filed solely by Mona Terrell & Associates LLC.

Interrogatory No. 15:

Identify the documents upon which the Applicant intends to rely in connection with this proceeding.

The documents include the Application, design, USPTO approval confirmation and notice of publication, agenda from PlayBook For Life Session, PowerPoint Presentations From PlayBook for Life sessions and emails to prospective program presenters.

Interrogatory No. 16

Identify all persons who participated in any way in the preparation of Applicant's responses to these Interrogatories and state specifically the area of participation for each such person.

The Applicant was the sole preparer of the responses to these Interrogatories.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

Request No. 1:

All documents identified in Applicant's responses to Opposer's Interrogatories.

All documents identified in Applicant's responses to Opposer's Interrogatories are attached.

Request No. 2:

All documents identified and required to be identified in Applicant's Initial Disclosures.

All documents identified and required to be identified in Applicant's Initial Disclosures are attached.

Request No. 3:

All documents identified and required to be identified in Applicant's Initial Disclosures.

All documents identified and required to be identified in Applicant's Initial Disclosures are attached.

Request No. 4:

All documents concerning your selection or adoption of the Mark and your decision to use the Mark in connection with the goods identified in the Application.

All documents are attached concerning our selection of adoption of the Mark and our decision to use the Mark in connection with the goods identified in the Application.

Request No. 5:

All documents concerning your clearance of the Mark, including any legal opinions on which Applicant is relying.

All documents are attached concerning our clearance of the Mark, including any legal opinions on which Applicant is relying.

Request No. 6:

Documents sufficient to identify any and all products that have been licensed, offered for sale, distributed and/or sold by Applicant or any other person or entity authorized by Applicant bearing or in connection with Applicant's Mark.

Documents are attached to identify any and all products that have been distributed. No documents have been licensed, offered for sale or sold.

Request No. 7:

All educational manuals that have been produced, distributed, advertised or sold by you bearing or in connection with the Mark.

All documents attached that have been produced and distributed. No documents have been or sold. No documents have been advertised unless Opposer considers providing information about the program to convince potential speakers to participate advertisement.

Request No. 8:

Documents sufficient to show all educational manuals that you intend to produce, distribute, advertise or sell by you bearing or in connection with the Mark.

As the 2013-2014 program will be developed once career mentoring/leadership needs are determined as the season gets closer, no educational manuals have been produced or distributed. There are no plans at this time to sell educational manuals under our Mark. No documents would be advertised unless Opposer considers providing information about the program to convince potential speakers to participate advertisement.

Request No. 9:

To the extent you have not used the Mark in connection with the goods identified in the Application, documents sufficient to show all steps taken by you or on your behalf to use or commence use of the Mark on or in connection with such goods.

The Applicant's Mark has been used in connection with goods identified in the Application as provided in attachments.

Request No. 10:

Documents sufficient to show all existing or planned manners or presentation of the Mark in connection with the goods identified in the Application.

Documents are attached sufficient to show all existing or planned manners or presentation of the Applicant's Mark in connection with the goods identified in the Application.

Request No. 11:

Documents sufficient to show Applicant's first use of the Mark in connection with any goods or services.

Documents are attached to show Applicant's first use of the Mark in connection with any goods or services.

Request No. 12:

Documents sufficient to show Applicant's first use of Applicant's Mark in connection with education manuals.

Documents are attached sufficient to show Applicant's first use of Applicant's Mark in connection with education manuals.

Request No. 13:

Documents sufficient to show any and all actual or planned advertising and marketing strategies for the goods identified in the Application in the United States.

At this time, there is no actual or planned advertising and marketing strategies for the goods and services identified in the Application in the United States.

Request No. 14:

Representative samples of advertisements, press releases, Internet web pages, brochure, in-store displays price lists, catalogues, newspaper, magazine and trade articles and other promotional materials bearing the Mark used or planned to be used to promote goods or services to be offered for sale, provided or distributed by Applicant under the Mark.

There has been no actual or planned advertising and marketing strategies for the goods and services identified in the Application in the United States to warrant representative samples noted above to promote goods or services in the fashion mentioned above.

Request No. 15:

Copies of all presentations referring to the Mark made or intended to be made by Applicant to potential investors, customers, advertisers, distributors or any other third party, regardless of whether such presentations were actually given.

All presentations referring to the Mark are attached. However, such presentations are not for potential investors, customers, advertisers, distributors as the program does not operate for trade commerce; unless Opposer considers potential speakers courted to voluntarily participate, third parties.

Request No. 16:

All drawings or specimens of any logos which use or incorporate the Mark, whether in draft or final form.

Attached are all drawings or specimens of any logos which use or incorporate the Mark, whether in draft or final form.

Request No. 17:

All documents concerning all Market Research including the results thereof, conducted or caused to be conducted by or on behalf of Applicant, whether conducted for marketing purposes, litigation purposes or other purposes, which relate or refer to the Mark, and all documents concerning plans to conduct such Market Research.

No Market Research has been conducted on behalf of the Applicant.

Request No. 18:

All documents and things concerning any actual confusion or the likelihood or possibility of confusion on the part of any person or entity as to the source, sponsorship, affiliation or Applicant's products under the Mark, including but not limited to misdirected mail, telephone calls, bills, payments, invoices or any other materials referring to or about Opposer or its goods and services.

Documents and things concerning any actual confusion or the likelihood of confusion regarding Playbook for Life Ministries, a program unassociated with the Applicant's mark is attached. No such documentation is available regarding Applicant's Mark.

Request No. 19:

All documents in Applicant's possession, custody or control prior to Applicant filing of the Application concerning, referring or relating to Opposer or Opposer's use of the Mark.

Applicant has attached documentation of Opposer's Mark, however, Applicant did not have custody or control prior to filing Applicant's Mark.

Request No. 20:

Documents sufficient to show the use of the Mark by third parties of which you are aware in connection with any goods and services.

No third parties have used the Mark in connection with any goods and services, unless Opposer considers that speaker presentations used in connection with the Applicant's mark, solely for use of the program, applies.

Request No. 21:

All trademark search reports conducted or caused to be conducted by or on behalf of Applicant concerning the Mark and all documents concerning such trademark searches.

Documents concerning trademark search by Applicant are attached.

Request No. 22:

All documents Applicant intends to use in this proceeding to rebut the allegations contained in the Notice of Opposition that the Mark, when used by Applicant in connection the goods identified in the Application, is likely to cause confusion with Opposer and Opposer's use of the Mark.

Documents and things concerning any actual confusion or the likelihood of confusion regarding Playbook for Life Ministries, a program unassociated with the Applicant's mark, is attached. No such documentation is available regarding Applicant's Mark.

Request No. 23:

Documents sufficient to show Applicant's document retention and document distribution policies, if any.

Documents are attached that are sufficient to show Applicant's document retention and document distribution policies, if any.

Request No. 24:

All documents upon which Applicant intends to rely in connection with this proceeding.

All documents are attached upon which Applicant intends to rely in connection with this proceeding.

Dated: Piscataway, New Jersey
August 15, 2013

MONA TERRELL & ASSOCIATES LLC

By 
Mona Terrell

1610 Division Avenue
Piscataway, NJ 08854
Tel. (732) 752-4690
Email: mona@monaterrell.com

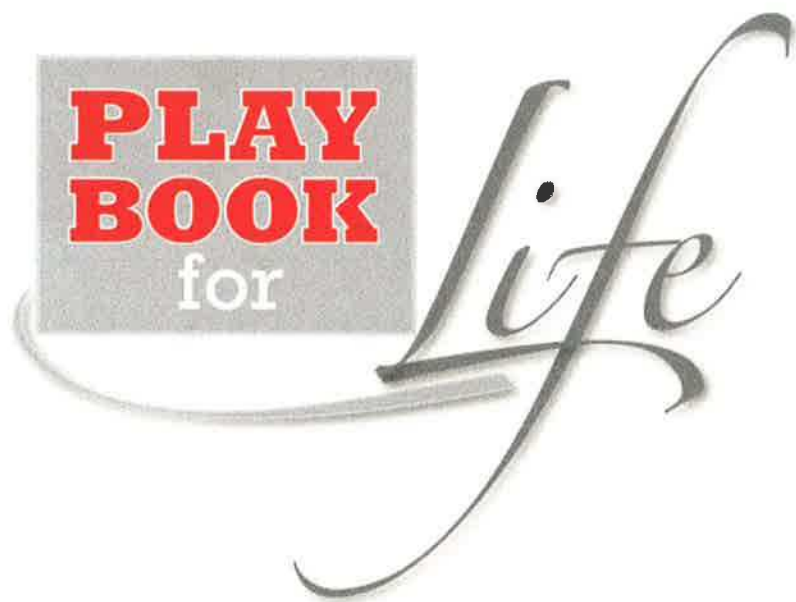
Pro se for Applicant – Mona Terrell & Associates LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 15TH day of August, 2013 a true and correct copy of the foregoing Applicant's First Set of Responses to Interrogatories and Document Requests By Opposer was served on Opposer by email and U.S. Mail to attorneys Fross, Zelnick Lehrman & Zissi, P.C., attention Michael Chiapetta, Esq., 866 United Nation's Plaza, New York, New York 10017

By 
Mona Terrell
Mona Terrell & Associates LLC
(Applicant)

EXHIBIT B



LIFE AFTER...

YOUR ROADMAP TO CAREER SUCCESS

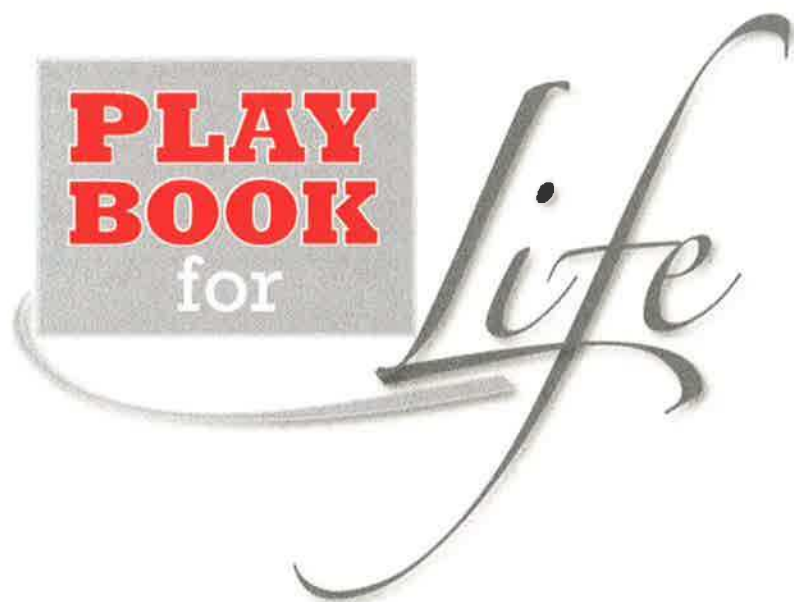
AGENDA

- Opening** Mona Terrell, PFL Coach –
Principal, Mona Terrell & Associates LLC
- PFL Coach** Kate Sweeney. Sr. VP, Morgan Stanley
Smith Barney, Co-Captain 1976-77 RUWBB
Being Curious in A Rapidly Changing World
- Guest Coach** Lanella Hooper Williams, President
Hooper Williams Communications
Product & Personal Branding
- Guest Coach** Derrick Larane, Founder & Director of Client
Partnering, Local Wisdom
Social Media – Your Digital PlayBook
- Guest Coach** Sally Miller, President, Sally Miller, Inc.
Selling You and Your Brand

Questions & Discussion

**PLAY
BOOK**
for

Life
R

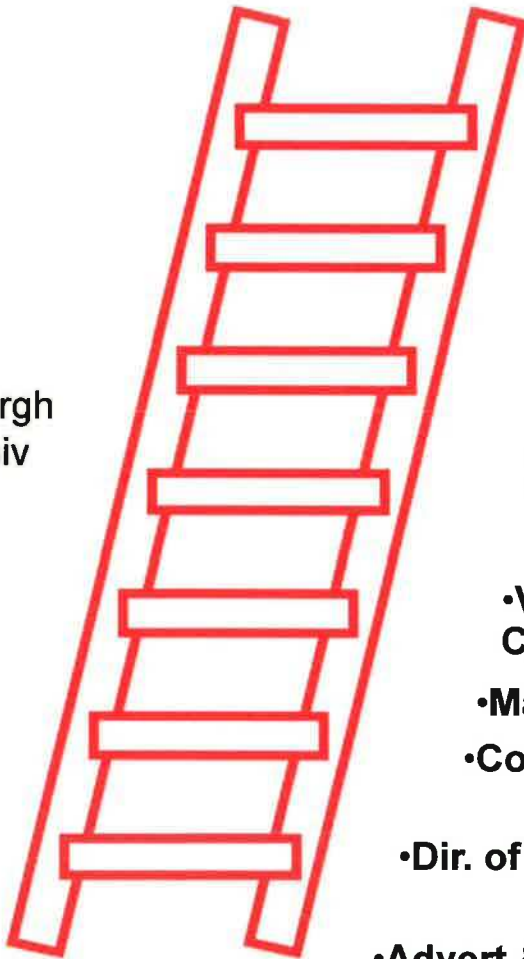


THE ROADMAP TO SUCCESS
PRODUCT & PERSONAL BRANDING

LaNella Hooper-Williams
President
Hooper Williams Communications



Univ. of Pittsburgh
Duquesne Univ



Career Ladder

- President, Hooper Williams Communications
- Adjunct Professor- NYU
- Director, Global IT Communications, (Johnson & Johnson)
- Senior Director, Financial Communications (LFG)
- Vice President, Shareholder Communications (PNC Bank)
- Marketing Manager (PNC Bank)
- Consumer Marketing Officer (PNC Bank)
- Dir. of PR (Goodwill)
- Advert & PR Asst.-(Calgon)
- PR Internship

4 Ps of Marketing

Product

Price

Promotion

Placement



Creating Brand Value

Product

Price

Promotion

Placement



Customer
Experience

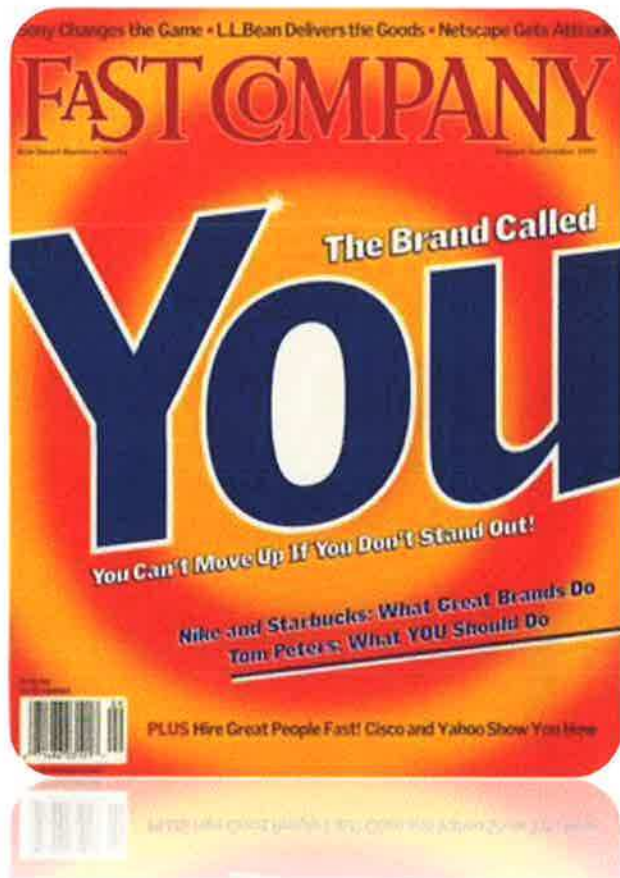
News Articles

Conversations

Reputation + Relationship + Experience

To Brand” refers to all the activities to **shape customer perceptions**
Branding focuses on shaping the **perceived value** of the product

Personal Brand Value



Reputation
+
Relationship
+
Experience

Building A Personal Brand

Personal
Brand



P

PURPOSE

I

IMAGE

P

PLAN

E

EXPOSURE

Vision
Goals



Successful
Outcomes

Personal Brand Tip-offs

Purpose



- ◉ Define vision
- ◉ Understand strengths
- ◉ Volunteer
- ◉ Update skills
- ◉ Think like a free agent
- ◉ Find the "WOW"

Image



- ◉ Be positive
- ◉ Know what battles to fight
- ◉ Be confident
- ◉ Be flexible
- ◉ Don't be a victim
- ◉ Practice self regulation
- ◉ Dress for success

Plan



- ◉ Have goals
- ◉ Be productive
- ◉ Avoid wilderness mentality
- ◉ Get beyond the fear
- ◉ Mind your own business

Exposure



- ◉ Build relationships
- ◉ Find cheerleaders
- ◉ Let others vouch for you
- ◉ Join/lead professional organizations
- ◉ Hone social skills
- ◉ Create elevator pitch
- ◉ Use social media

Personal Branding Benefits



Stand out from the crowd



Be noticed and rewarded



Greater focus for your career



More confident



Regarded as leader in the field



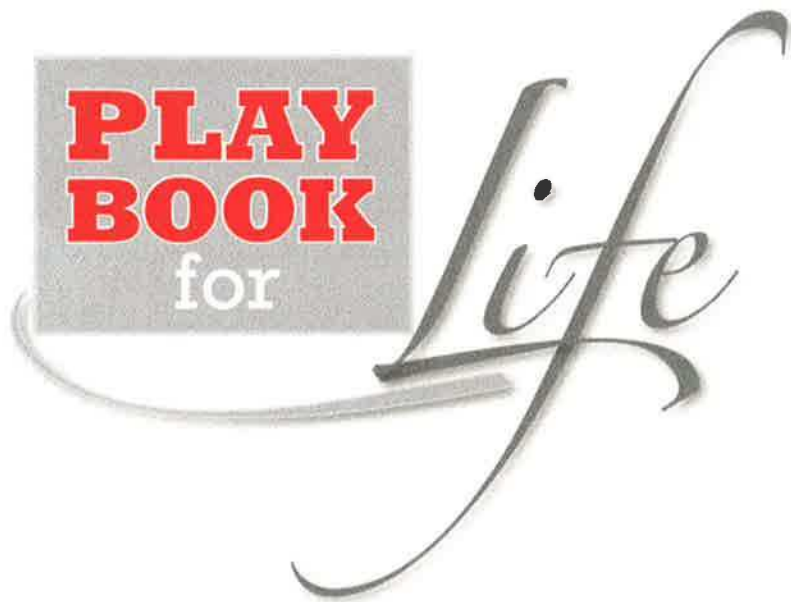
Thrive in difficult times

Resources

- *The Brand You 50*, Tom Peters
- *Brag, The Art of Tooting Your Own Horn without Blowing It*, Peggy Klaus
- *Soar with Your Strengths*, Donald O. Clifton
- *Now, Discover Your Strengths*, Marcus Buckingham
- *Never Eat Alone*, Keith Ferrazzi

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for

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THE ROADMAP TO SUCCESS

Social Media – Your Digital Playbook

Derrick Larane

Founder and Director of Client Partnering

Local Wisdom



My Profile

- **Name:** Derrick Larane
- **Graduated:** Rutgers University
- **Year:** 2000
- **Major:** Computer Science
- **Company:** Local Wisdom Inc.
- **Likes:** Entrepreneurship,
Social Media, Family and
Women's Basketball

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Food for Thought

- One in every nine people on Earth is on Facebook
- More than 250 million people access Facebook through their mobile devices
- 300,000 users helped translate Facebook into 70 languages

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for

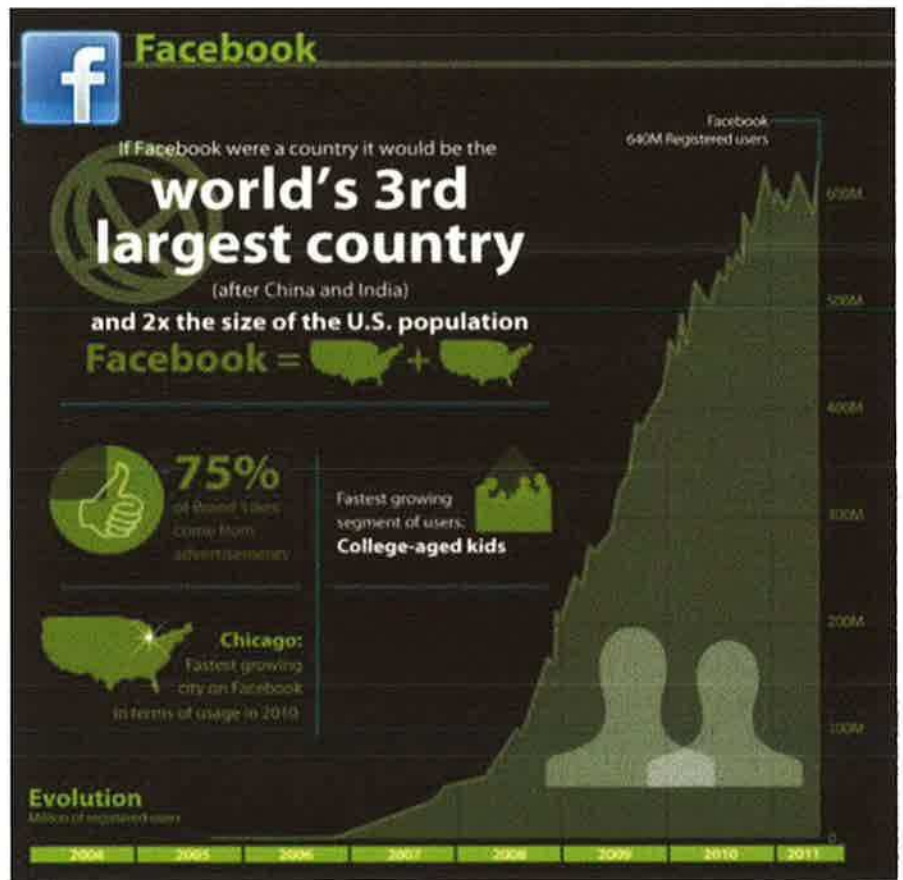
Life
R

Food for Thought

Facebook has
640 Million
Registered
Users

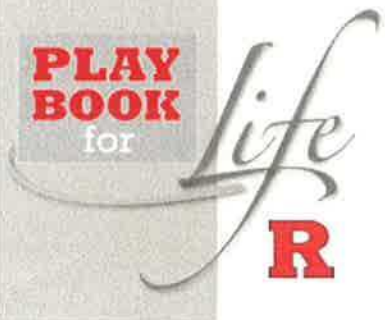
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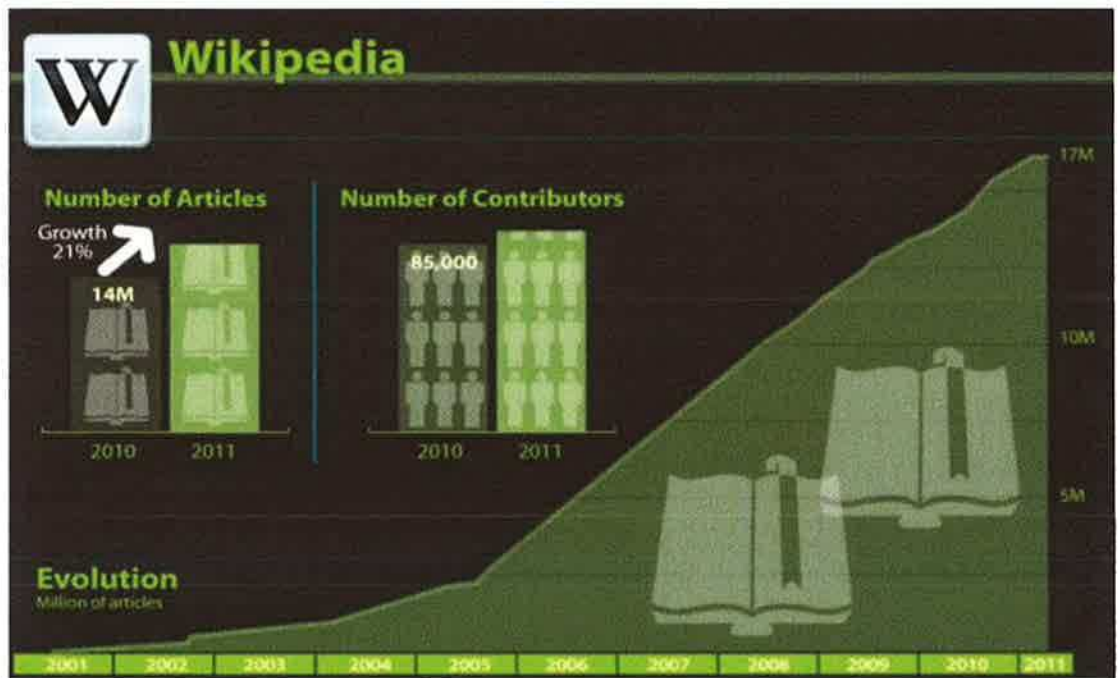
Food for Thought

- YouTube has 490 million unique users who visit every month (as of February 2011)
- YouTube generates 92 billion page views per month



Food for Thought

Wikipedia hosts 17 million articles



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Food for Thought

Twitter is handling 1.6 billion queries per day

Twitter is adding nearly 500,000 users a day



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Food for Thought

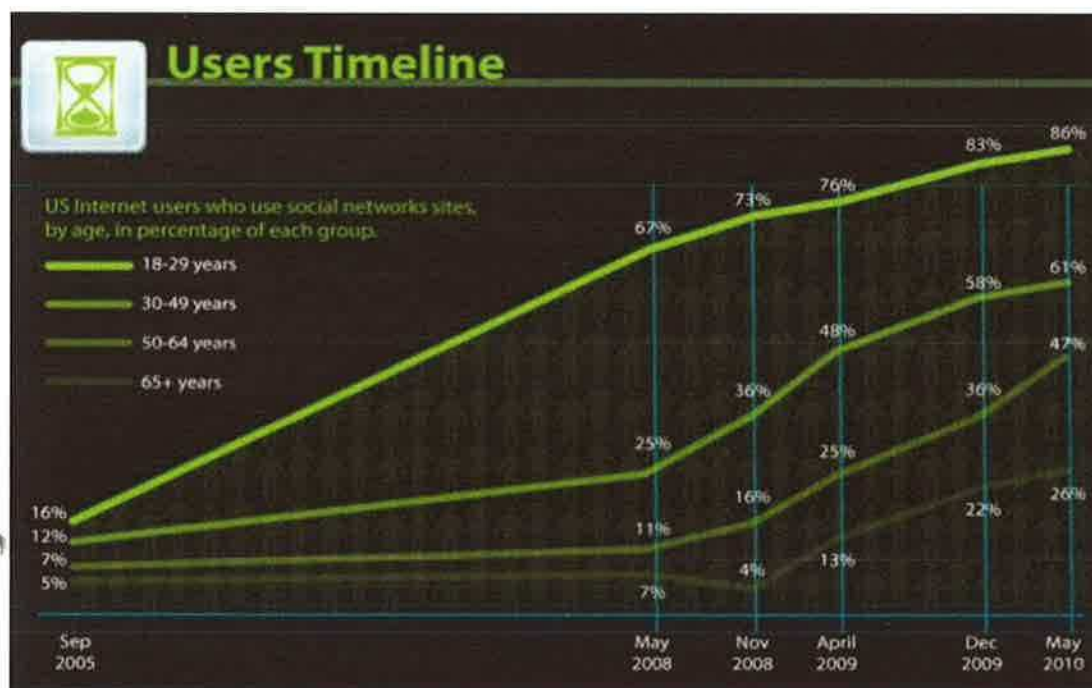
Google+ has more than 25 million users

Google+ was the fastest social network to reach 10 million users at 16 days (Twitter took 780 days and Facebook 852 days)

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Food for Thought



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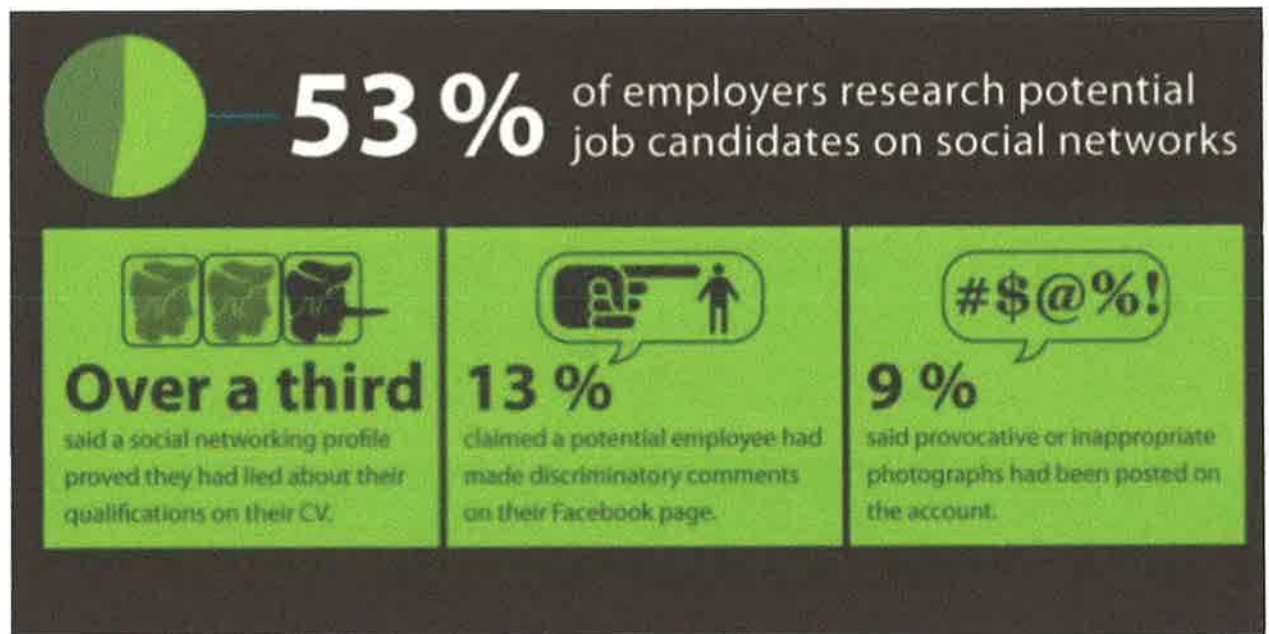
Food for Thought



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Food for Thought

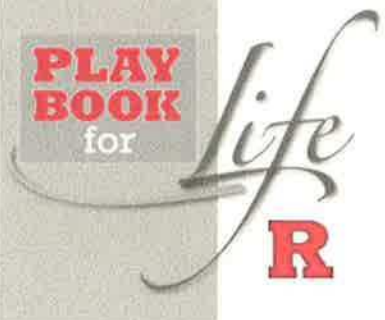


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Social Media – The Reality

**You are what
you publish**

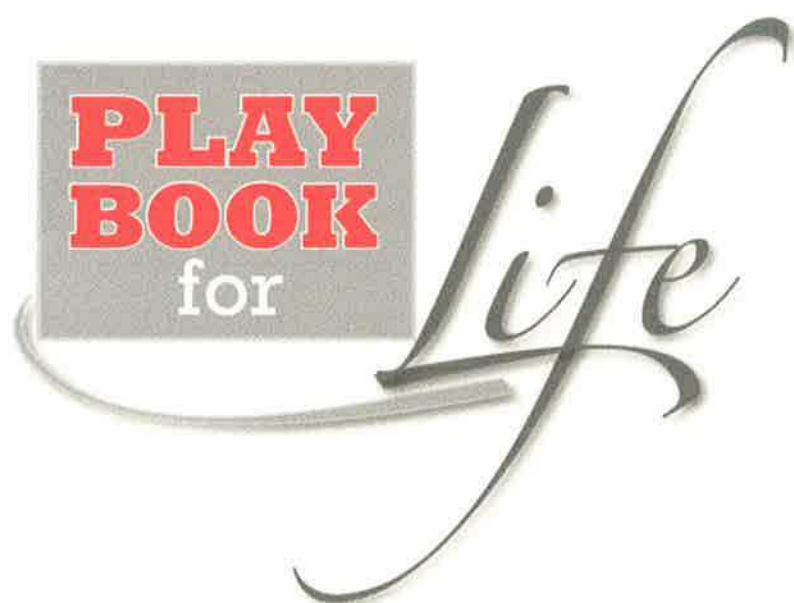


Social Media Baselines

- lol, tmi and brb should only be used when chatting with friends and family
- Control your permission settings
- Pick your Social Home Wisely
- Self Promote!

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THE ROADMAP TO SUCCESS

Selling You and Your Brand

Sally Miller

President of Sally Miller

(Revolutionary Youth Fashion Maverick)

Questions and Discussion

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Positioned for Success... Attributes You Bring To The Table

Smart

Resourceful

Creative

Organized

Analytical

Ability to Recover

Communication Skills

Step in Seamlessly

Open To New Ideas

Lessons Learned

Time Management

Attention to Detail

Decisive

Anticipate Needs

How/When to Lead

Skillful

Flexible/Adaptable

Deliver Results

See the Big Picture

Assess Situations

Formula To Ignite

Momentum

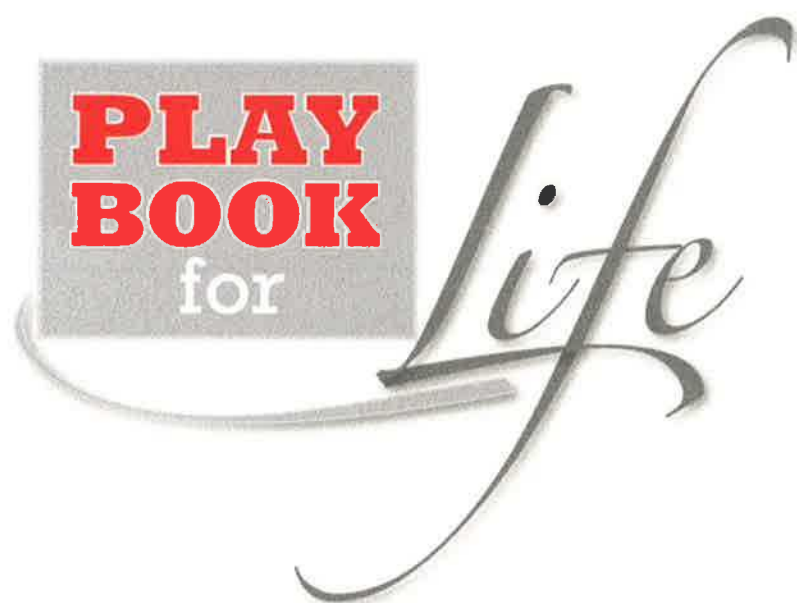
Goal Setting

Sense of Team

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EXHIBIT C



LIFE AFTER...

YOUR ROADMAP TO CAREER SUCCESS

AGENDA

- Opening** PFL Coach Kate Sweeney
- Message** PFL Coach Mona Terrell, *Knowing Your Court Vision*
- Guest Coach** Jennifer O'Neill, Senior Manager -
Corporate Communications, Intuit
What's in Your Toolkit?: Turning Your Mad Skillz into Job Skills
- Guest Coach** Sally Nadler, College Relations Manager -
PSEG
Landing the Job Isn't a Slam Dunk – Building Your Career Development Toolkit

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Questions & Discussion

Recap

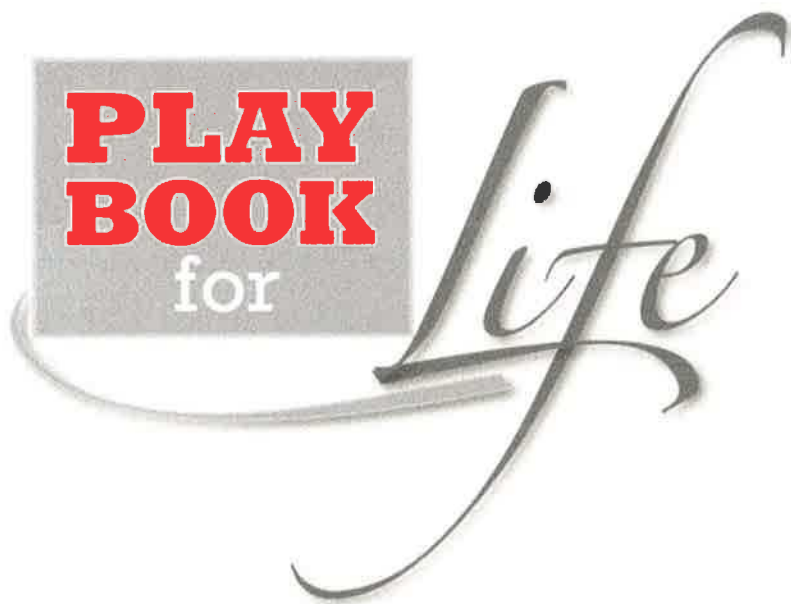
Knowing Your Court Vision

Court Vision

- your ability to see everything on your court while you're navigating your career plays/path. Each of you are point guards for your own success!
 - Know Your Options – What are they?
 - Identify Mentors – Who are they? Why do you need/want one?
 - Start Networking – Do You Know Who You're Talking To?
 - Challenge Yourself – Look outside your comfort zone & create another one
 - Experience – Get some!
 - Be Pro-Active; **THINK, PLAN, ACT**

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BOOK**
for

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WHAT'S IN YOUR TOOLKIT?
TURNING YOUR MAD SKILLZ INTO JOB SKILLS

Jennifer O'Neill
Senior Manager, Corporate Communications, Intuit



Name: Jennifer O'Neill

Major: Communication

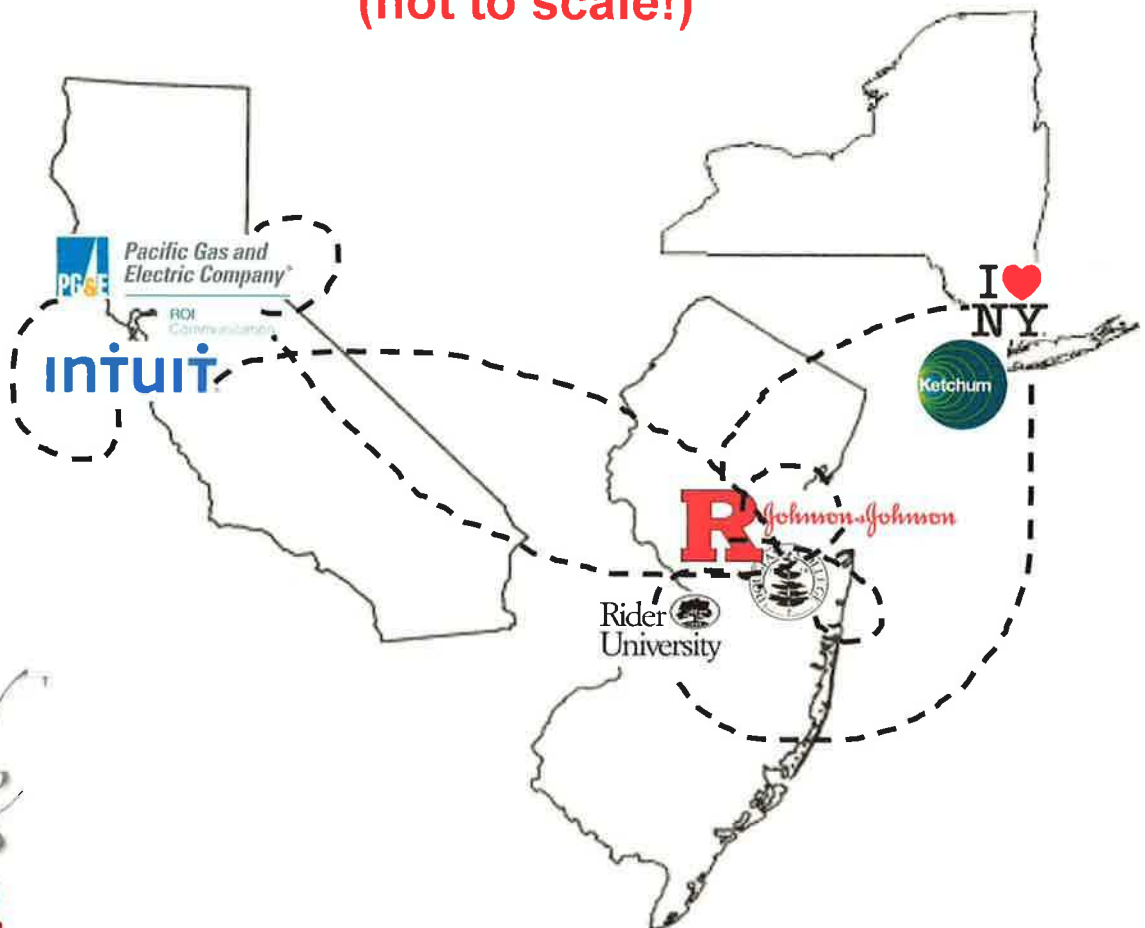
RU Graduation: 1995
(bachelor's); 2003
(master's)

Company: Intuit, Inc.

Interests: Photography,
volunteering, travel,
gardening, music, Rutgers
women's basketball

Jen's Career Journey

(not to scale!)



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Building a Frame



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Some Tools (Skills) You Already Have

In your toolbox today

- Teamwork
- Think a step head (or several)
- Time management

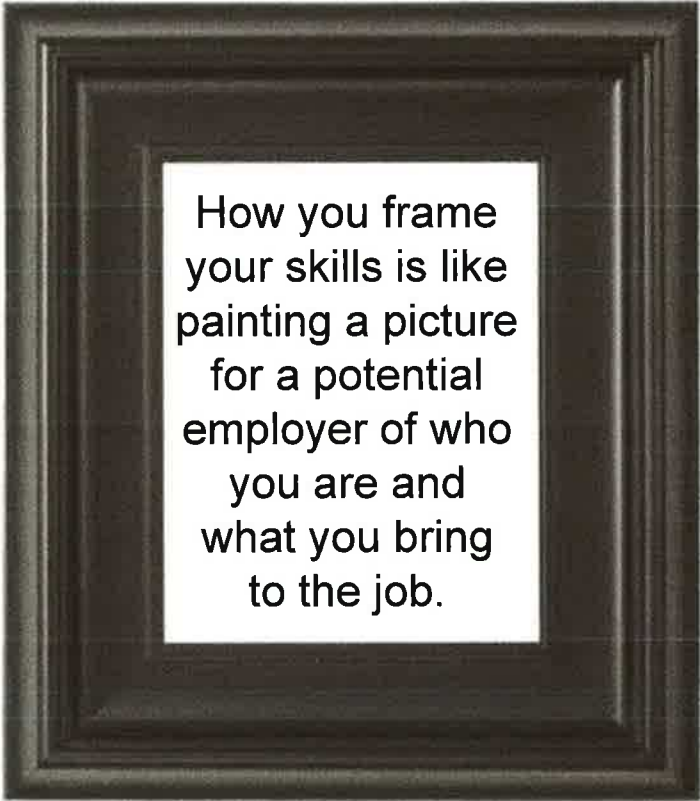
How to frame them on a resume

- Can work on diverse teams and inspire action to achieve shared goals.
- Anticipate needs and develop solutions to address current and potential future scenarios.
- Can effectively manage multiple projects while meeting deadlines and delivering results.

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Remember this!



How you frame
your skills is like
painting a picture
for a potential
employer of who
you are and
what you bring
to the job.

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BOOK**
for

Life
R

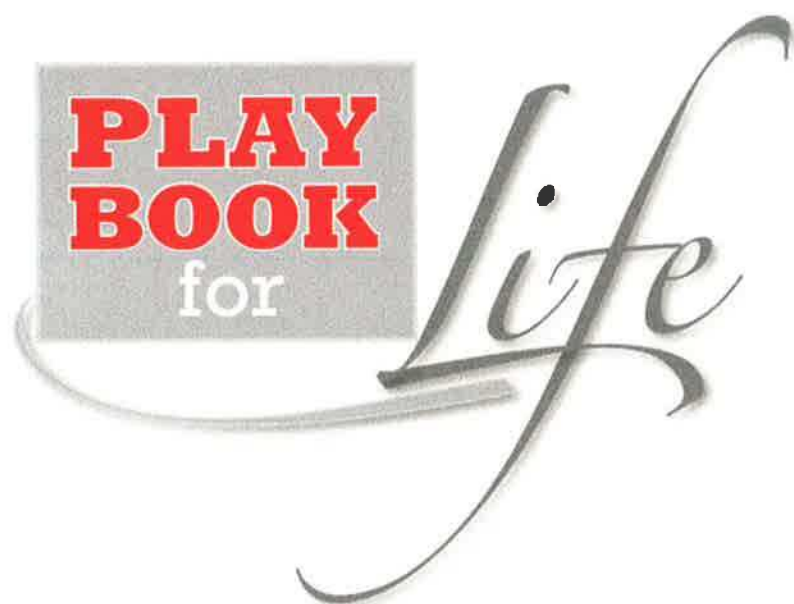
Net-Net Tips

Lead From the Heart

- Have an open mind—you never know who or what might lead to that next great opportunity or job.
- Embrace change—it's the only constant.
- Ask questions—curiosity can be energizing.
- Recognize you have something to learn from everything—ask yourself, 'What tool or skill can I gain from this experience?'
- There is no substitute for passion—tomorrow isn't promised so strive to be happy in what you're doing today.

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LANDING THE JOB ISN'T A SLAM DUNK -
BUILDING YOUR CAREER DEVELOPMENT TOOLKIT

Sally Nadler
University Relations Manager, PSEG

Sally Nadler - UC'96, RBS'96



- Highland Park H.S.
- Northeastern University



- PSE&G
- Middlesex County College
- Rutgers
- Promoted to Supervision, then Management
- Master's in Leadership – Bellevue University

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Career Development Tools

Career Planning Fundamentals

- Preparing and using your resume
- Networking Tips
- Creating your “Elevator Speech”



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Resume Preparation

Types of resumes:

Chronological

Functional

Targeted



Chronological

- Most commonly used / Easy to read
- Start with an objective statement
- Education should always be at the TOP
- Start with current position and work backwards
- Cover last two to three positions or internships
 - Using action verbs to describe your responsibilities
- Include your athletic participation and key milestones and achievements
- Include results and talents that demonstrate your competencies

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for

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Using your resume

- Keep it crisp, clean and short
 - 1 page
- Minimize complicated formatting
 - gets lost when you submit online
- Keep updating it as a living breathing document
- **ALWAYS** proof read
 - have a second set of eyes edit it !!!!
- Print for Career Fairs
- Create a PDF for emails
 - Information cannot be changed on PDF

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Networking

- Use your contacts to build your network
 - Online / Social Media 
 - LinkedIn – premier tool for recruiting
 - Join PlayBook For Life group
 - Keep your profile “Professional”
 - Rutgers Alumni Association
 - NCAA Organizations
 - Friends, Family, Other Organizations
- Start a business card collection/with purpose
 - Follow up with an email
 - Attach the PDF copy of your resume

**PLAY
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for

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Elevator Speech

- Key tool to “sell” yourself
 - Similar to the objective statement on your resume...your 60 second spot
- As if you just got on an elevator with.....?
- Who you are, what you do, the value that you bring

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**Leadership. Innovation.
Diversification. Advancement.**

<http://www.pseg.com/info/careers/campus.jsp>



- On Campus Recruiting (Fall/Spring)
 - Career fairs / Networking events
 - On campus interviews
 - Onsite interviewing
 - Online job postings



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PSEG

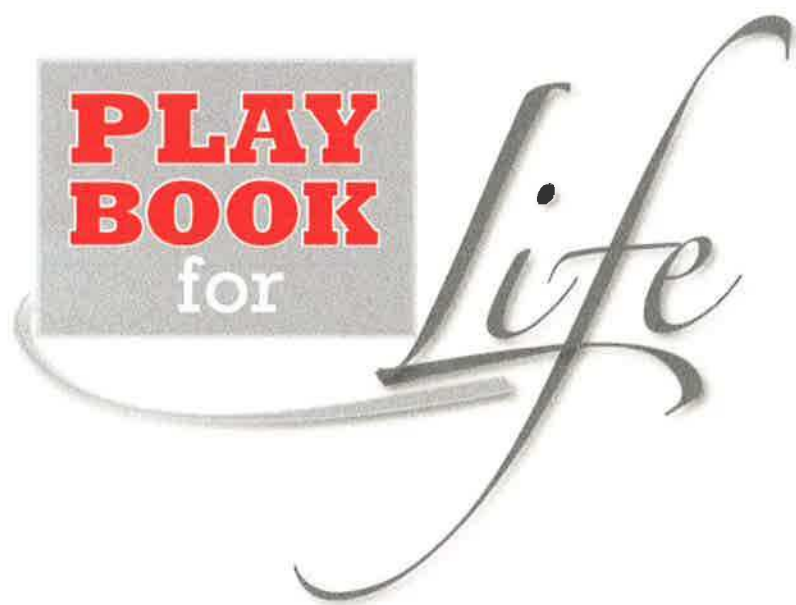
We make things work for you.

Transition Tips

- Your first job is not necessarily your career (unless you want it to be)
- Find a company/industry/environment whose values align with your values
- Identify opportunities to gain experience
- Utilize Rutgers resources
 - <http://careerservices.rutgers.edu/>

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YOUR ROADMAP TO CAREER SUCCESS

A RECAP

Strong Foundation - Positioned for Success

Smart

Resourceful

Creative

Organized

Analytical

Ability to Recover

Communication Skills

Step in Seamlessly

Open To New Ideas

Lessons Learned

Time Management

Attention to Detail

Decisive

Anticipate Needs

How/When to Lead

Skillful

Flexible/Adaptable

Deliver Results

See the Big Picture

Assess Situations

Formula To Ignite

Momentum

Goal Setting

Sense of Team

**PLAY
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for

Life
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Winning Strategies

- *Resume gets you the interview – Interviews gets you the job!*
- Build relationships before it's critical
- Invest in Yourself
- Take Risks
- Identify a mentor early
- Listen to what people are willing to give you and take it
- Be who you are right now/Be open to what you are meant to be

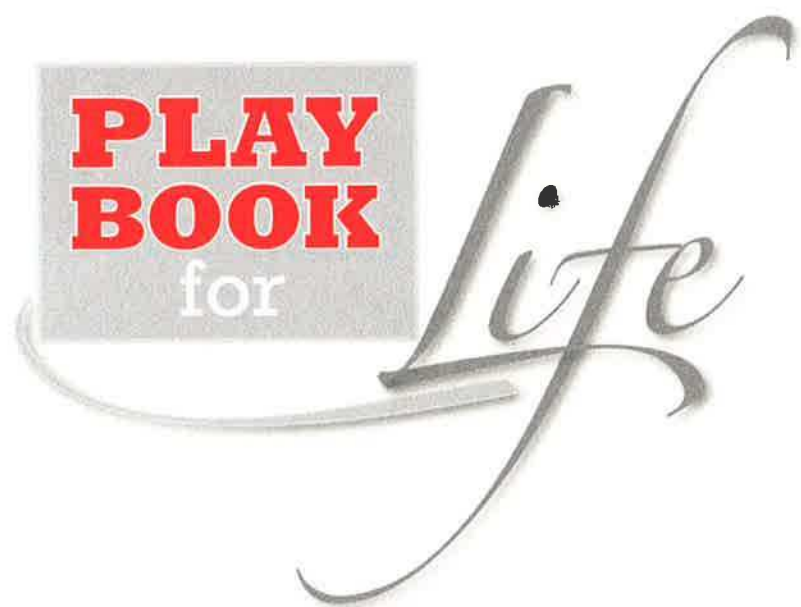
Winning Strategies

- Be curious
- You are what you publish
- You're way ahead of the game
- Learn to get out of your own way/Attitude counts
- Stay true to yourself & your passion
- Don't forget to reach back
- Get your hands dirty
- Aim high, reach higher

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EXHIBIT D



LIFE AFTER...

CREATING YOU'RE PATH TO CAREER SUCCESS

Igniting Your Fire With Your Passion *Agenda*

- | | |
|--------------------|---|
| Opening | C. Vivian Stringer, Coach, RUWBB |
| PFL Coach | Mona Terrell, PFL Coach –
Principal, Mona Terrell & Associates LLC
<i>Define Yourself</i> |
| Guest Coach | Avis Yates Rivers, President & CEO
Technology Concepts Group International
<i>Be The Change</i> |
| Guest Coach | Jeannine Frisby LaRue
Senior Vice President, Kaufman Zita Group
<i>Your Why</i> |

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Questions & Discussion

Poised for Success... What You Bring To The Table

Smart

Resourceful

Creative

Organized

Analytical

Ability to Recover

Communication Skills

Step in Seamlessly

Open To New Ideas

Lessons Learned

Time Management

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Assess Situations

Formula To Ignite

Momentum

Goal Setting

Sense of Team

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Starting Thoughts

"Use your fire and passion to blaze a path that leads to opportunities to achieve even more" – M. Terrell

"... either find a way, or make one!" – Hannibal

"...If you run into a wall...figure out how to climb it, go through it, or work around it." -Michael Jordan

"Success doesn't come to you...you go to it." - Marva Collins

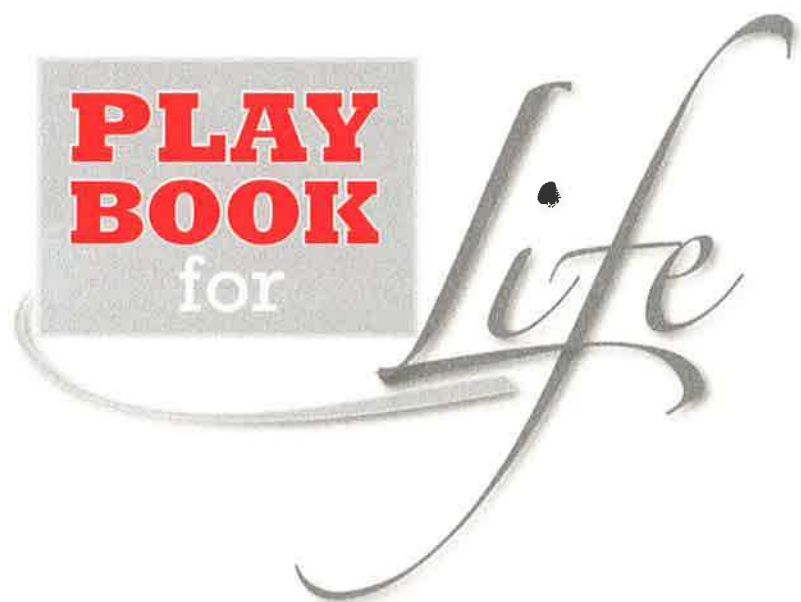
"Nothing works, if you don't" – M. Terrell

"Intensity, will and spirit are the keys to unlock the door to personal excellence – M. Terrell

R "To thine own self be true" – William Shakespeare

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Avis Yates Rivers
President & CEO
Technology Concepts Group International

"BE THE CHANGE"



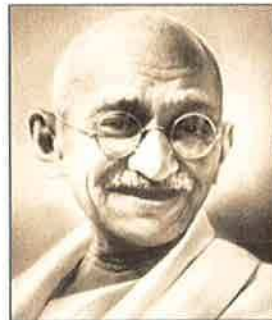
- 27-year Entrepreneur
- National Spokesperson for Women in Technology
- Business Manager for Mikki Taylor, Editor At Large, Essence Magazine

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***Be the change you want
to see in the world***

- Mahatma Gandhi





My Journey

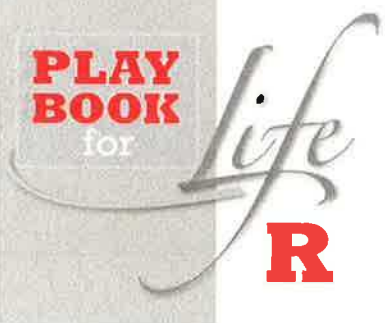
- Graduated from City University of NY
- Immediately began an 11-year corporate career at Exxon
- Launched first company in 1985 after Exxon sold my division
- 20+ years of community service
- Added national speaker status and fashion/beauty consultant

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My Passions

- Faith, family, gardening and golf
- Increasing the utilization of minority and women-owned firms
- Small business development
- Attracting more girls and women into technology



Ignite Your Passion



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Why It Matters

- ***Women hold up half the sky***
 - But are not involved in inventing the technology of the future
- ***U.S. corporations are creating over a million new IT jobs – going unfilled***
 - Women leave IT twice as fast as men
- ***We need a nation of change agents to fix the problem***
 - Or, we won't be competitive as a nation

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What if...



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for

R

Be The Change



**PLAY
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Be The Change

- Be Motivated
- Be in Service
- Be Flexible
- Be Focused
- Be Driven
- Be Inspired
- Be Real
- Be Committed
- Be Busy

You can't do
anything about the
length of your life,
but you can do
something about its
width and depth!

-- Shira Tehrani

**PLAY
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for

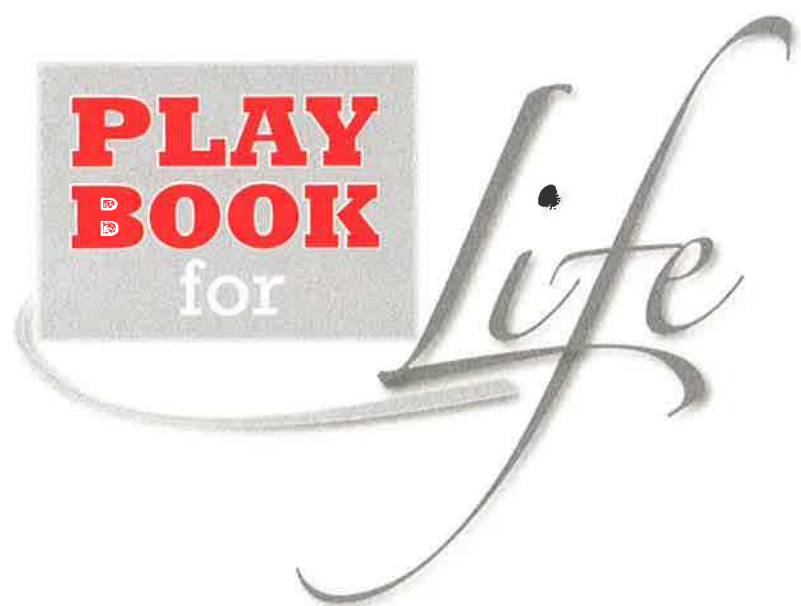
Life
R

The World Is Yours!



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Jeannine Frisby LaRue
Senior Vice President
Kaufman Zita Group

"YOUR WHY"

Know Your WHY

My life motto... "Two days important in your life...the day you are born and the day you know why."

- *In the beginning*
 - a. Humble beginnings
 - b. Good student
 - c. Very spiritual
 - d. Athletic and musical
 - e. Focused on goals

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Know Your WHY

My life motto... "Two days important in your life...the day you are born and the day you know why."

- *Unexpected hurdles*

- a. Fear
- b. Disappointment
- c. Anger
- d. Pity
- e. Fight

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Know Your WHY

My life motto... "Two days important in your life...the day you are born and the day you know why."

- *The Plan*
 - a. Options
 - b. Support systems
 - c. Room for adjustments
 - d. Learn from the UPS and DOWNS
 - e. It's Never Final

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Know Your WHY

My life motto... "Two days important in your life...the day you are born and the day you know why."

- *Looking back...*
 - a. What doesn't kill you WILL make you stronger.
 - b. I'm not perfect and don't have to be.
 - c. Life make-overs can be forever...and that's ok.
 - d. The Most Important Lessons I Learned in Life...I Learned in Kindergarten

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Q&A & Wrap-Up


**PLAY
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Life
R

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing SWORN DECLARATION OF MICHAEL CHIAPPETTA IN SUPPORT OF HARTFORD FIRE INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT to be served by U.S. Mail and e-mail on October 8, 2013, on Applicant Mona Terrell & Associates LLC at the following addresses:

Ms. Mona Terrell
Mona Terrell & Associates LLC
1610 Division Avenue
Piscataway, New Jersey 08854
mona@monaterrell.com

A handwritten signature in blue ink, appearing to read "Michael Chiappetta", is written over a horizontal line.

Michael Chiappetta